House of Assembly

The Compensation for Victims of Crime Act

The Attorney General pursuant to Section 5(2) of the Compensation for Victims of Crime Act hereby tables a copy of the Second Report of the Nova Scotia Criminal Injuries Compensation Board for the year ending December 31, 1982.

THE

SECOND REPORT

of the

NOVA SCOTIA
CRIMINAL INJURIES COMPENSATION BOARD

administering

THE COMPENSATION FOR VICTIMS OF CRIME ACT

for

the calendar year

(January 1, 1982 to December 31, 1982)

The Board is required by Section 5(1) of the Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report on it's transactions during the preceeding year.

LEGISLATION

The legislation under which the Board functions is the Compensation for Victims of Crime Act as set forth above. The Act came into force in Nova Scotia on the 12th day of May, 1981. By this Act the Board is required, upon application, when any person is injured or killed by an act or omission in the Province of Nova Scotia by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule of the Act, to provide compensation to the victim, the person responsible for the maintenance of the victim or where the death of the victim has resulted, the victim's dependents. The Board is limited in the compensation award to the amount of a lump sum payment of $15,000.00 or, in the case of periodic payments, income from the capital sum of $50,000.00 and by a limitation period of one year and, of course, can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury or if he is unco-operative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

PERSONELL

The Board under the Attorney General, is responsible for the administration of the Act and presently consists of the following: David J. Waterbury, Q.C., Chairman; Robert Bruce, C.A.,

Vice-Chairman, and Dr. Benson Auld, Board Member.

Any two members of the Board, one of whom must be the Chairman or the Vice-Chairman, constitute a quorum. Pursuant to the Act, authority is given to the Board for the appointment of secretaries and investigators. Miss Anna Sipos was appointed Secretary - Clerk Reporter as of the 1st day of May, 1981 and Mr. Keith Hall joined the staff subsequently as an investigator. The office is located at 1660 Hollis Street, Centennial Building, 10th Floor, Halifax, Nova Scotia B3J 2V9.

COST-SHARING

Awards made under the Act are cost-shared between the Federal Government and the Government of the Province of Nova Scotia. The contribution by the Federal Government amounts to fifty percent of awards (net of any recoveries) to a maximum of ten cents per capita of the population of Nova Scotia.

PUBLIC AWARENESS

All branches of the media have been most co-operative with the Board and have provided information to the public which very materially assists in making the public aware of the existence of and service provided by the Board.

Notwithstanding the foregoing, frequent inquiries are made directly to the Board as to the area of law in which it is involved by people not having previous information as to the Board's responsibility. Although hearings of the Board are open to the public generally, there are exceptions, the principle one being that it is improper for the Board to admit the public where the person whose act or omission caused the injury or death has not been charged with a criminal offence or if charged, has not been convicted.

ADMINISTRATION AND ACTIVITY

Administrative responsibility and activities of the Board have increased and are increasing monthly.

During the calendar year, 117 applications were requested and of these 69 were returned and processing begun, five were, on return,found to be ineligible. The Board held sixty hearings and awarded gross payments of $192,400.76.

Statistical records to cases considered by the Board and summary of decisions are annexed hereto as Exhibits A and B.

Summarily of the hearings conducted, eighteen concerned females and 42 concerned male. It was known that sixteen applicants had been drinking, 8 had not been drinking and this information was not available for the remaining 36.

A break down of age illustrates the following:

Under 19 years	3 applications	- 5 percent
19 to 40 years	45 applications	- 75 percent
41 to 65 years	10 applications	- 12.5 percent
Over 65 years	2 applications	- 3.33 percent

Theft was included in 15 of the hearings but not in the remaining 45. The offender was identified in 52 cases and charged in 51 cases and conviction was entered in 34 cases. Section 25 was applied in 7 instances reducing or nullifying the award.

SUBROGATION

By Section 31(2) the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect of the injury and may maintain an action in the name of such person.

While it would be desirable to obtain recovery in all cases, it

has been the experience of the Board to the date of this reporting that the accused persons and offenders are, when known, persons of virtually no means and the taking of action against them is viewed as being simply an additional expense without the hope of recovery. A letter of demand is sent to the accused when practicable and inquiry is made as to his assets.

The procedure permitted the Board, however, is simply that of recourse to the Courts for recovery of a non-liquidated amount. This does not entitle the Board to summarily take judgement on default of defence, take execution, and record the same at the Registry of Deeds against the offender but rather requires a further finding by a Judge as to the right of the original victim to recover and the Judge is then required, for a second time in the total proceedings, to assess damages. The Board is simply placed in the same position as the victim was immediately after the injury.

Since the awards of the Board are generally considerably less than those awarded by a court, a person attacked by a substantial offender is much more prudent if he, in the first instance, seeks redress before the Courts by way of recovery of damages. The apparent prospect that nothing would be acquired by this procedure brings the victims to the Board in the first instance and is, of course, the reason for the establishment of the Board.

In other jurisdictions recoveries have been less than .05%. The Board has been able to recover $2251.00 for the year under report or 1.17% and continues to assess it's opportunities of recovery.

GENERAL

This marks completion of the first full twelve month period of operation of the Board. A forcast was made for the report of the activities of the Board for that of the year 1981 in which it was established that one could well look to 200 applications as the caseload.

At the time of the writing of this report, namely, February, 1983, the records show that about 20 applications have been sent out as the result of inquiries for each of the past three monthly periods, namely December, 1982; January, 1983; February, 1983.

Since the Board was only in operation for eight months of 1981 and it's operation was completely unknown to the public until it commenced operation in May of 1981, comparison of the figures for that year allow for little help to the comparison of the figures for the year under review. The 1983 report should provide some better basis for comparison.

EXHIBIT A

1982 Statistics

Applications Requested	117
Applications ineligible	5
Applications Returned	69
Number of Hearings Completed	53
Number of Hearings not completed	2
Awards by Consent	5
Out of 60 applications - Female	18
- male	42

Had Been Drinking (Offender) - Known - 16
No - 8
Unknown - 36

Age

Under 19 years old	3	- 5%
Age 19 to 40	45	- 75%
Age 41 to 65	10	- 12.5%
Age over 65	2	3.3%

Theft Included - Yes 15; No 45

Offender -	Identified	- Charged	- Convicted	-Disposition Unknown
	52	51	34	17

Recovery - $500.00 + $1751.00 = $2251.00

Section 25 applied - 7 applications

EXHIBIT B

File Number:

8/81-8

The applicant, a fifty year old selfemployed restaurant and restaurant equipment sales and service operator was struck by party or parties unknown near his home endeavouring to protect his property and suffered the loss of his right eye necessitating fitting of a prosthetic right eye. The injury seriously affected his earning capacity. Compensation $14,372.00 (Pain and Suffering $8,000.00)

9/81-10

The applicant, a twenty-three year old male was attacked at a pizza shop and thrown outside the building and there further injured. He suffered broken ankle and a seven inch cut on his head. The ankle injury has left a certain degree of instability and the potential of arthritic condition. The offenders were ordered to spend thirty days in the correctional centre and a six month probabtion. Compensation $7,731.00 (Pain and Suffering $3500.00)

10/81-14

The applicant is a female person, age 31, beaten by a male companion after a drinking party aboard a ship suffering a compound laceration of her right ear, compound fracture of nasal bones, displaced fracture of right zygoma, multiple bruises about the face and contusions of her forearm. The offender was sentenced to 30 days confinement. Award $2,394.00 (Pain and Suffering $1800.00)

10/81-18

This female applicant is 72 years of age and was stabbed by a nursing home attendant injuring her right hand, the right posterior aspect of the right upper arm, the anterior aspect of the upper right arm and the right anterior chest wall. Offender committed to mental institution. Compensation $1451.00 (Pain and Suffering $1200.00)

10/81-17

Seventy-two year old, retired lady librarian attacked and robbed on her way to the grocery store, suffering an intertrochanteric fracture of the left hip, some permanent disability. Attackers were sentenced to 30 months in jail. Total compensation $9,142.40. (Pain and Suffering $4000.00)

11/81/21

The applicant is a 63 year old widow, injured in a tavern. Broke her glasses and some pain and suffering as the result of being knocked to the floor and badly bruised. Assailant not known

not apprehended. Award reduced as a result of having consumed six beers and showing some evidence of intoxication. Total award of $515.00 (Pain and Suffering $400.00) reduced to $225.00.

11/81-20

A 21 year old male, spasmodically employed, stabbed in chest area and small bowel injury as the result of stabbing. Three months temporary disability, no permanent disability. Section 25 applied to reduce award since applicant had sought out his attacker having been made aware previously that the attacker was already involved in an act of violence and the parties having known each other for quite some time and should have appreciated the dangerous situation into which the applicant willingly subjected himself. Total award of $3071.32 (Pain and Suffering $2500.00) was reduced by 75% and rounded out to $775.00.

11/81-22

Applicant 44 year old carpenter keeping company with a lady separated from her husband, both of whom were assaulted by the ladies estranged husband, the applicant being stabbed by butcher knife. The attacker was sentenced to two years less one day. He was stabbed in the abdomen including laceration to the liver, knife wound narrowly missing the spleen and the aorta. Also stab wounds to the right arm with damage to the muscle. Award $5,905.00 (Pain and Suffering $2500.00).

12/81-23

Suffered injured back on left side when thrown against a hard wood chair by male who was making sexual advances to her. The accused was ordered to pay a fine of $200.00. Pre-existing condition as to back injury and stress. Total award $3,743.46 (Pain and Suffering $3500.00)

11/81-26

A fifty year old male marriage counsellor knocked to the ground and suffered bruises and muscle strain result of assault - Pain and suffering $250.00.

11/81-25

A twenty-one year old male knocked to the ground and suffered bruises and muscle strain as a result of an assault - Pain and suffering $250.00.

12/81-27

A twenty-five year old male employed as an Electrolux saleman was injured in an altercation with his father suffering dislocation of right shoulder, Section 25 applied to reduce the award as it was apparent to the Board that the applicant was indescreet in attempting to go to his father's private residence having been previously made quite aware of the latter's wrath. Total award of $4585.50 including pain and suffering of $1500.00 was reduced to $2751.50.

12/81-30

Applicant, 21 year old unemployed male, involved in same altercation as 12/81-27. Painful knee injury followed by septic arthritis and operations. Total award of $2257.36 which included $2000.00 pain and suffering reduced to $1354.42 by virtue of Section 25.

1/82-34

A 31 year old single lady struck in the left side of the face with laceration of the left eye brow, fracture of the left zygoma and abrasion of left elbow. Attacker not apprehended. Total award $3050.85 (Pain and Suffering $2300.00)

2/82-42

Applicant 27 year old bank Operations Officer, kidnapped, assaulted and forced to assist in bank robbery, left with a great deal of difficulty emotionally and irrational fears, unable to carry on with employment or normal life style for considerable period. Award $4,075.00 (Pain and Suffering $4000.00)

9/81-9

A male, 27 years of age was assaulted and knocked to the cement sidewalk suffering a cerebal fracture and loss of hearing function of right inner ear which is invariably permanent. He also suffers from tenatis in his right inner ear for which there is no treatment available and precludes the use of a "masker" which is a device which is inserted in the ear to make a noise to mask the ringing. The assailants were not identified or apprehended. The Board awarded a total of $8,923.17 including $8,000.00 Pain and Suffering.

9/81-11

The applicant is a male, 29 years of age, unemployed at the time of the injury. He was stabbed in the abdomen and sustained a laceration to the pancreas. The applicant's complaint of low back pain and rectal bleeding was not considered by several physicians consulted as a result of the stab wound. The payment awarded was a total of $2230.00 which included Pain and Suffering of $1,000.00. An interim payment had been made of $1,000.00 pursuant to Section 17.

1/82-38

The applicant, female in her early sixties, temporarily employed as a desk clerk was attacked and robbed in the process of which she was choked, pistol whipped and beaten about the head and face. The assailants were charged pursuant to Section 303 of the Criminal Code but at the time of the hearing had not been sentenced. She suffered nasal fracture with depression and a fracture through the lateral wall of the right maxillary sinus without displacement and bleeding in the right maxillary sinus and very extensive bruising. The Board awarded total of $3698.23 (Pain and Suffering $3,000.00)

1/82-39

The applicant in his twenties, was attacked in a tavern suffering a loss of two teeth and considerable damage to bone and other tissue in the mouth area and loss of earnings. Five teeth were involved in the internal bridge cemented into place and made permanent. The total award was $5430.00 (Pain and Suffering $2,000.00)

2/82-43

A 25 year old American citizen restrained and severely attacked on Indian Reserve. Suffered broken leg, cuts, bruises and abrasions of the face and other parts of the body, considerable loss of earnings. Total claim $8,030.10 (Pain and suffering $1500.00)

3/82/46

A 34 year old school teacher severely injured by being stabbed a number of times by estranged husband which included 1.) laceration to her right forehead 2.) laceration on her left forehead penetrating through the skull 3.) laceration on her right neck and cheek 4.) laceration on her left shoulder 5.) multiple penetrating wounds in her left chest 6.) multiple lacerations to both hands 7.) fracture dislocation of her right index finger 8.) laceration over right wrist and 9.) another penetrating wound in her left hand in the palm space. Although injured on the 30th of December, 1981, at this hearing on the 14th May, 1982, her right hand was still supported by a splint which was prescribed in order to assist her to retain use of her index finger on her right hand which she is instructed to exercise continually. She is involved as a teacher and the use of this finger is essential for her demonstrations in laboratory work. Her loss of salary exceeded the Board's limit of $15,000.00., no determination was therefore, made for pain and suffering and the maximum award of $15,000.00 was made.

3/82-47

Applicant, 21 year old bricklayer was stabbed in a tavern requiring a laparotomy as a result of a large retroperitoneal haematoma. Post operative course was complicated by prolonged ileus. The attacker was convicted of wounding with intent Section 228(a) of the Criminal Code and sentenced to six months. The initial award of $2525.00 plus legal fees, hospital reports and witnesses was reduced pursuant to Section 25 because the applicant created a considerable disturbance which insighted his attacker, to $1550.00 plus the aforementioned legal, medical and witness fees.

3/82-48

The applicant is 28 year old male, single, employed as a conveyer operator. He was stabbed while attending at a tavern suffering a puncture wound of his left anterior lower chest wall which penetrated across the chest and into the abdomen and punctured a hole in the lower end of the stomach. Also, some evidence of damage and trauma to the surface of the pancreas. The applicant suffered considerable loss of employment. The person committing the assault was sentenced to a term of four years in a federal penitentiary having had a previous record of some considerable degree. Total compensation was $4,096.29 (Pain and suffering $1750.00)

3/82-49

A nineteen year old male student attacked and robbed at a shopping centre. No physical injury but a considerable degree of post dramatic mental stress disorder. Award $500.00;all pain and suffering.

3/82-50

Single male, 27 years of age, assaulted by the roadside. Multiple facial contusions, black and blue both eyes, swelling of both major prominences, swollen lips and mouth, significant mental trauma but no permanent injuries and time off from employment was very brief. Assailant convicted under Section 245(2) C.C. sentenced to four weeks at the Halifax Correctional Centre. Total award $708.50 (Pain and Suffering $500.00)

3/82-51

Female applicant, married, 21 years of age, indecently assaulted in her home. The applicant experienced great terror and emotional distress affecting her life for at least one year. Psychiatrist stated recovery is slow but progress is being made and that her disability is temporary but long-lasting with future medical care on an out-patient basis. Total award $3,510.00 (Pain and Suffering $3,500.00.)

3/82-52

Husband of victim in 3/82-51 also assaulted at the same time although not so severely however victim of considerable mental trauma and subsequent loss of business income. Awarded Pain and Suffering award of $1500.00.

4/82-53

Applicant suffered abrasions to forehead, nose area, upper and lower lip, chipped front tooth, laceration of the forehead and nasal fracture. Assailant convicted under Section 245(2)(2) C.C. sentenced to 30 days intermittent detention. Award totalled $2445.00 (Pain and Suffering $2000.00)

4/82-54

Applicant is the wife of the victim in 4/82-53, injured right shoulder and chest wall, no bruises but some swelling just below the shoulder, abrasion to first toe left foot, was punched and suffered severe pains in breast area, pulled muscles and considerable mental shock. Award $348.00 (Pain and Suffering $300.00)

4/82-55

Applicant was injured when struck by a club and otherwise beaten by his neighbour. He did not lose consciousness but suffered injury to his gum which was separated from his teeth and sutures were required. Award $440.00 (Pain and Suffering $350.00)

4/82-57

Applicant was shot while walking in the street by a bullet fired from a passing vehicle. She has a pre-existing condition of fusion respecting her back and depressive illness. The pellet fired had to be surgically removed from her groin area and the resulting hospitalization and post-surgical trauma caused her a lapse in her mental condition setting her back to about two years in the opinion of her doctor. The Board is mindful that it must take it's victims as it finds them. Total award $1751.00 (Pain and suffering $1200.00)

4/82-59

Applicant acting as a doorman at a cabaret, was required to forcibly remove an obstreperous customer and suffered a blow which caused injury subsequently disgnosed by x-ray as a broken nose. Assailant convicted under Section 245(2) C.C. The award was total of $1,685.00 including $800.00 loss of income and $850.00 pain and suffering.

4/82-61

The applicant was injured while assisting a bouncer at a club evict a patron. The injury consists of a stab wound in the abdomen which penetrated the abdomenal cavity, reasonably complicated surgery was necessary. Applicant left with a large scar. Total award $2,775.00 including $2000.00 pain and suffering.

4/82-62

Applicant suffered cut to one hand and human bite to the other and was otherwise beaten and roughed up by robbers. Some nervous condition following. Award $715.00 (Pain and Suffering $500.00)

4/82-63

Thirty-four year old female, single applicant, unable to gain employment and in receipt of disability pension as a result of muscular dystrophy. She was stabbed in the area of her left breast causing one half inch laceration below and medial to the nipple. The injury increased her anxiety state so that psychological harm exceeded physical damage suffered. Applicant was unable to attend the hearing due to her mental and physical condition so the Board was forced to rely on written application, medical evidence and police report. Total award $1280.00 (Pain and Suffering $1,000.00)

5/82-67

Applicant a 23 year old male landed immigrant from India was assaulted and robbed at Scotia Square, Halifax. He was punched in the face several times and $1400.00 in cash was removed from his right front pocket. As a result of the assault he suffered a fracture of his nasal bones, considerable damages and fractures of his teeth. He also suffered very great mental and emotional stress and was unable to sleep and when he did suffered unpleasant dreams. He, for a considerable period, was fearful of appearing in public. The Board, at two separate hearings, awarded a total of $4,440.00 of which $2000.00 was for pain and suffering.

5/82-72

Fifty year old taxi driver was robbed and beaten by a customer. Suffered stab wounds to abdomen, chest, neck, right shoulder, right arm, left thumb also ruptured diaphragm, lacerated right lower lobe of lung and lacerated right upper lobe of the liver and a partial survical cord injury of the right side. His assailant was subsequently convicted of attempted murder and sentenced to seven years in Dorchester Penitentiary. Board awarded a total of $7560.00 of which $4000.00 was pain and suffering.

5/82-73

The applicant is 40 years old, male and is only sporadically employed. During a drinking bout, he was stabbed with a small sharp instrument which entered his left chest diagonally passing the heart and made an incision in the right lung. On arrival at hospital his pulse was very low and he did not respond well and was intoxicated. He was taken to hospital and initially looked after in the intensive care unit and was given fluids and blood and subsequently was stabalized and fully recovered. The Board made an award of $2725.00 (Pain and suffering $1,000.00)

5/82-76

Applicant 18 year old high school student attacked by one of his peers at a party resulting in injury to jaw, mouth and loss of tooth, damage to the others. Assailant sentenced to three month term plus probation by Juvenile Court. The dental procedure to restore applicant's teeth was very complicated. The Board awarded $2000.00 of which $500.00 was pain and suffering.

6/82-77

Thirty year old farm labourer injured when at a neighbour's home he attempted to protect a young female from assault by a drunken neighbour. Upon subduing the neighbour as he though he turned his back and was struck over the head with a piece of hardwood and rendered unconscious for quite some time. The applicant was convicted under Section 245(2) C.C. and sentenced to nine months in the correctional centre. The award was $1,347.00 of which $1000.00 was pain and suffering.

6/82-78

Applicant in his twenties stabbed by estranged husband of his lady friend and acutely injured sustaining a stab wound in the mid auxiliary line on the left eighth interspace, two lacerations in the posterior lateral aspect of the left thigh, two lacerations in the left buttocks, laceration situated on the medial aspect of the right leg, some shallow lacerations on the left wrist and hand. He was confined to hospital for about two weeks and discharged in good health. This was a threat to life situation and was fortunate to survive. The Board awarded a total of $3785.00 of which $2000.00 was pain and suffering and $1000.00 loss of earnings.

6/82-80

This applicant was cut while leaving a beverage room by the assailant wielding an empty beer pitcher. The applicant suffered injuries to the face, forehead, cheek and eye. The applicant was left with a

residual apparent scar in the area of the right eye and nose. Total award $1098.00 of which $1,000.00 was pain and suffering.

6/82-81

Applicant, 23 years of age was shot while visiting the home of a neighbour. The bullet which had fragmented before entering the right hip region passed posteriorly under the skin and went up past over the upper secrum. Other parts of the bullet fragments passed through the wing of the iliac bone in the pelvis and passed across the peritonial cavity perforating the small bowel, damaging the mesentary of the small and large bowel. Psoas muscle was quite badly damaged but the ureter appeared intact. He was taken to the hospital and cleaned up and sutured and given antibiotics and I.V.'s for several days. He appeared to recover and become reasonably stable and made satisfactory progress although it is always possible that he could have problems in the future. He was very upset and suffered quite considerable pain and distress. The Board awarded a total of $4652.75 of which $2500.00 for for pain and suffering and $1777.00 loss of wages.

7/82-82

The applicant is a 24 year old program co-ordinator at public school was punched over the T M joint, kicked over the left kidney resulting in bruising over the left kidney, pain over the left T M joint and a gross haematoma of the left face. He was disabled for three weeks and suffered considerable emotional strain. He was unable to identify his attackers. The Board awarded a total of $395.00 of which $325.00 was for pain and suffering.

7/82-83

Applicant twenty-one year old male security guard went to parking area near apartment in which he was staying in order to quiet those present down so that children could sleep. He was struck by a tire wrench by one of the noisemakers suffering a gouge in his shoulder, a cut that required ten stitches to suture and dental damage. Award total of $1259.00 (Pain and Suffering $700.00)

7/82-85

Applicant is a single male person 28 years of age who was punched while walking on the street, breaking his tooth, cutting his lip and suffering superficial scrapes and lacerations. Considerable dental work required. Total award $1156.50 of which Pain and Suffering is $400.00.

7/82-86

Male, single, 20 years of age, presently awaiting call up to service in the Royal Canadian Mounted Police. While driving in his automobile perceived a large crowd gathering at the side of the street and noticed two persons assaulting one other person who was lying on the ground. The applicant stopped his car and endeavoured to stop the fight. All attackers then turned on the applicant and he was able to fend them off for a brief period when he was brutally assaulted from behind.

Suffered what was consequently determined by medical evidence to be a tripod fracture on the right side of the face or the right zygoma. The Board ordered total of $2461.01 of which $1800.00 was Pain and Suffering,

7/82-89

Married lady, thirty-four years of age, attending a dance. A bottle of beer thrown at the person near the applicant struck the wall adjacent to the applicant and broke injecting glass into the eye of the applicant. The applicant had a successful recovery. Total payment $594.51 of which $250.00 was for pain and suffering.

8/82-90

Applicant, 26 year old member of the Royal Canadian Mounted Police assaulted while involved in official duties attempting to make an arrest. He suffered laceration of the cervical dorsal area and retained pieces of glass which had to be removed and the muscle was repaired. Total payment was $400.00, all pain and suffering.

8/82-93

The applicant is a prostitute. She was involved in a fracus with a customer whom she says threatened her with a baseball bat. The criminal court, which considered the charge against the assailant, regarded the evidence of the applicant as inadequate and refused to make a finding of guilty of assault occasioning bodily harm. The Board agreed with this finding and did not make an award.

8/82-95

Applicant is a married man, 27 years of age employed as an area supervisor with a life insurance company. While awaiting a taxi in the early hours of the morning, he was assaulted and kicked in the face and struck by a rock suffering a blow-out fracture under the right eye requiring elevation of the bones involved in the insertion of a sheath. The Board awarded total of $2675.00 of which $1800.00 was for pain and suffering.

8/82-98

Applicant is a twenty year old single stenographer. The applicant was assaulted by her boyfriend in his home after an argument suffering a fractured right humerus resulting in treatment. She was unable to return to her employment and lost her job. Total payment of $3028.00 (Pain and Suffering $2000.00)

8/82-99

The applicant is a juvenile being a Grade 9 student at a Junior High School who was struck by a competitor on another basketball team after a basketball game. He suffered a concussion and subsequently underwent a open reduction and pinning of the right zygoma. He suffered no loss of employment and was able to pursue his studies in an appropriate fashion following recovery. Total award $1800.00 all pain and suffering

ordered paid to the father of the applicant in trust to be held and invested until the applicant reaches the age of majority.

8/82-100

The applicant is a single male,age 20 years,employed as a labourer. He was hit in the mouth area by a rock and then knocked down and lost consciousness and robbed of $14.00. The Board ordered a total of $3612.00 of which $700.00 was for pain and suffering.

8/82-101

The applicant is eighteen years of age, student, assaulted in a pin ball plaza suffering fracture of three teeth and undisplaced nasal fracture. Total claim of $1711.65 of which pain and suffering was $1,000.00.

9/82-104

Applicant is a single, 25 year old male employed as a mechanic. He was struck while in attendance at a dance by an assailant who after making the assault poured beer all over the applicant's female companion. He suffered a fracture of the left jaw which required to be wired into place involving small holes made in his upper denture. A new upper denture had to be constructed. For a period in excess of a month, the applicant had his jaw wired closed and was unable to eat solid foods. The assailant was sentenced to serve 45 days in correctional centre and placed on two years probabtion after conviction under Section 245(2) C.C. The Board awarded total of $2,807.00 of which $1800.00 was for pain and suffering.

9/82-108

The applicant is thirty years of age and employed as an electrician. After having consumed considerable alcoholic beverages, the applicant observed a person taking pictures with a flash bulb in the area and disapproving of this procedure, threw an empty glasss at the photographer and ordered him to leave the premises which the person taking the picture did, only to return subsequently at which time the assailant threw a bottle of beer at the applicant.

The Board was of the opinion that the applicant directly contributed to his injury by his interferrence with the person with the camera in the first instance and having thrown a glass at that same person. Consequently Section 25 was applied and the award reduced by 50%. The Board awarded $750.75 of which $500.00 was for pain and suffering.

9/82-110

Applicant is a prostitute who agreed to accompany a potential customer to his apartment. The customer did not stop at the area which he had indicated was the area of his apartment but proceeded on and the applicant endeavoured to escape from the vehicle. She was struck by a hammer in the vehicle, then forced to go into the trunk of the vehicle where she was left for two hours while the customer drove to a wooded area. Upon arriving at the wooded area, he forced the applicant to walk for an hour or more into a woods camp where the applicant was detained for two days under bizarre

circumstances. The majority of the Board refused to make an award to the applicant on the general grounds of the applicant's profession and the fact that the injury took place while she was prectising that profession. (Now under appeal by applicant.)